

THE RABINDRANATH TAGORE INSTITUTE ACT

Act No. 48 of 2002

Date in Force: [21st December of 2002]

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AN ACT

To provide for the establishment and management of the Rabindranath Tagore Institute

ENACTED by the Parliament of Mauritius, as follows-

1. Short title

This **Act** may be cited as the **Rabindranath Tagore Institute Act 2002**.

2. Interpretation

In this **Act** -

"both Institutes" means the Institute and the Mahatma Gandhi Institute established under the Mahatma Gandhi Institute **Act**;

"Council" means the Council of both Institutes, referred to in section 5 of the Mahatma Gandhi Institute **Act**;

"Director" means the Director of the Institute appointed under section 6;

"Director-General" means the Director-General of both Institutes appointed under section 6A of the Mahatma Gandhi Institute **Act**;

"Institute" means the Rabindranath Tagore Institute established under section 3;

"Minister" means the Minister to whom responsibility for the subject of **education** has been assigned.

3. Establishment of the Institute

(1) There is established for the purposes of this **Act** the Rabindranath Tagore Institute.

(2) The Institute shall be a body corporate.

4. Objects of the Institute

The objects of the Institute shall be-

(a) to establish, as a tribute to Rabindranath Tagore, a centre of studies of Indian culture and traditions;

(b) to promote **education** and culture generally.

5. The Council

The Institute shall be managed and administered by the Council in accordance with sections 5, 6, 6A and 7 of the Mahatma Gandhi Institute **Act**.

6. The Director

(1) There shall be a Director of the Institute, who shall be responsible to the Director-General for maintaining and promoting the good order of the Institute, and for the finances of the Institute.

(2) The Council shall, with the approval of the Minister and on the recommendation of a committee consisting of the Director-General, a representative of the Ministry of **Education** and Scientific Research and 3 members of the Council appointed by the Minister, appoint the Director on such terms and conditions and at such remuneration as it may determine.

7. Appointment of staff

(1) The Council shall, on such terms and conditions and at such remuneration as it may determine, appoint a Bursar who shall be responsible to the Director for all matters concerning the finances of the Institute.

(2) The appointment of academic, administrative, technical and library staff shall be made by the Council on the recommendation of a committee consisting of the Director-General or his representative, a representative of the Ministry of **Education** and Scientific Research and 3 members of the Council appointed by the Minister. The Chairman of the committee shall be appointed by the Minister.

(3) The appointment of all other staff shall be made by the Council on the recommendation of a committee of 3 persons set up by the Council with the approval of the Minister.

8. General Fund

- (1) The Institute shall establish a General Fund-
 - (a) into which all money received by the Institute shall be paid;
and
 - (b) out of which all payments required to be made by the Institute shall be effected.

- (2) The Institute shall derive its funds from-
 - (a) the Consolidated Fund; and
 - (b) any other source approved by the Minister.

9. Powers of Minister

- (1) The Minister shall give such directions of a general character as to the performance by the Institute of its functions and duties as appear to the Minister to be requisite in the public interest, and the Institute shall give effect to any such directions.

- (2) The Institute shall afford to the Minister facilities for obtaining information with respect to its activities and shall furnish him with such returns as he may require.

10. Exemptions

Notwithstanding any other enactment, the Institute shall be exempt from payment of duty, rate, charge, fee, tax or licence.

11. Donations

Article 910 of the Code Napoleon shall not apply to the Institute.

12. Rules

(1) The Council may, with the approval of the Minister, make such rules as it thinks fit for the purposes of this **Act**.

(2) Notwithstanding anything to the contrary in the Interpretation and General Clauses **Act**, any rules made under subsection (1) shall not be -

(a) laid before the Assembly;

(b) published in the *Gazette*.

13. Legal process

(1) The Institute shall **act**, sue and be sued, implead or be impleaded under its corporate name.

(2) Service of process by or on the Secretary of the Council shall be equivalent to service on the Institute.

14. Consequential amendments

- (1) Subject to subsections (2) and (3), the Schedule to the Statutory Bodies (Accounts and Audit) **Act** is amended in Part II by inserting the following item in its appropriate alphabetical place-

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- (2) For the purposes of the Statutory Bodies (Accounts and Audit) **Act**, the period extending from the commencement of this **Act** to 30 June next following shall be deemed to be the first financial year of the Institute.
- (3) Section 7(1) of the Statutory Bodies (Accounts and Audit) **Act** shall not apply in relation to the first financial year of the Institute.
- (4) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) **Act** shall be the Director of Audit.
- (5) The Tertiary **Education** Commission **Act** is amended in the Schedule by inserting in its appropriate alphabetical place-

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